

*Technical  
Amendments*

Amendments to Senate Bill No. 6666  
1st Reading Copy

Requested by Senator Lynda Moss  
(**TECHNICAL AMENDMENTS**--relatively noncontroversial)

For the Senate Judiciary Committee

Prepared by Valencia Lane  
February 13, 2007 (3:41pm)

1. Page 25.

Section 8. amendments to 46-18-201 at end of subsection (3)(d)(i)

**Following:** "suspended"

**Insert:** ", except as provided in [section 18]"

2. Page 29.

**Following:** section 8

**Insert:** "Section 9. Section 46-18-202, MCA, is amended to read:

"46-18-202. **Additional restrictions on sentence.** (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

- (a) prohibition of the offender's holding public office;
- (b) prohibition of the offender's owning or carrying a dangerous weapon;
- (c) restrictions on the offender's freedom of association;
- (d) restrictions on the offender's freedom of movement;
- (e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;
- (f) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

~~(3) An offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison shall enroll in~~

~~and complete the educational phase of the prison's sexual offender program."~~

{ Internal References to 46-18-202:

41-5-208\*      44-6-102      44-6-103      46-23-201  
53-1-203} "

3. Page 51.

Section 17. amendments to 53-1-203 -- in subsection (1)(a)

**Following:** "rules for the"

**Strike:** "operation"

**Insert:** "establishment and maintenance"

so that the new language reads:

"rules for the establishment and maintenance of a residential sexual offender treatment program."

4. Page 56.

New Section 18 -- subsection (2) -- change subsection (2) to read:

**Following:** "offense" in second line of (2)

**Insert:** ", as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303,"

**Following:** "state prison"

**Strike:** ", as defined in 53-30-101,"

so that subsection (2) on page 56 reads as follows:

"(2) The court shall order an offender convicted of a sexual offense, as defined in 46-23-502, except an offense under 45-5-301 through 45-5-303, and sentenced to imprisonment in a state prison to:"

5. Page 56.

New Section 18 -- subsection (4)(b) -- change subsection (4)(b) as follows:

**Following:** "treatment program" in 4th line

**Strike:** "operated or"

**Following:** "approved by the department"

**Strike:** "in a correctional facility or correctional program"

**Insert:** "under 53-1-203(1)(c)(iii)"

so that subsection (4)(b) on page 56 reads as follows:

(b) During the offender's term of commitment to the department of corrections pursuant to subsection (4)(a), the department may place the person in a residential sex offender treatment program approved by the department under 53-1-203(1)(c)(iii).

6. Page 56.

New Section 18 -- subsection (4)(c) -- change subsection (4)(c) as follows:

**Following:** "offender treatment program" in second line of (4)(c)

**Strike:** "operated or"

7. Page 57.

New Section 18 -- subsection (5) -- delete subsection (5) that currently reads:

(5) In sentencing a person pursuant to subsection (4), the court shall require the offender to participate in the program for continuous, satellite-based monitoring provided for in 46-23-1010 during that part of a sentence not served in a state prison.

**Renumber:** subsequent subsections

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